

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 97-CR-180-SEH

CAROLE ANNE ROZAK,

Defendant.

Motion for Leave to Dismiss Without Prejudice

Pursuant to Fed. R. Crim. P. 48(a), the government respectfully moves this Court to dismiss without prejudice the arrest warrant filed against defendant Carole Anne Rozak/Penny Burns in the above-styled cause. In support of its motion, the government advises as follows:

1. Counsel for the United States has been informed a victim of Rozak, Penny Burns was recently arrested in Phoenix, Arizona, on a supervised release revocation warrant for Carole Anne Rozak. This was possible because Rozak had stolen Penny Burns's identity in a way that made Penny Burns look like Rozak on paper.

2. The government requests for leave to dismiss the pending warrant against Penny Burns only, in the interest of justice to avoid having an innocent victim held on this warrant. The government specifically wants the warrant against Carole Anne

Rozak to remain active, just for Penny Burns (who has been mistaken for Carole Rozak) to be released.

Wherefore, premises considered, plaintiff prays that the instant motion be granted, and for all other proper relief.

Dated this 4th day of April 2024.

Respectfully submitted,

CLINTON J. JOHNSON
UNITED STATES ATTORNEY

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Certificate of Service

I hereby certify that on the 4th day of April 2024, I electronically transmitted the foregoing document to the Clerk of the Court using the ECF System for filing and transmittal of a notice to any and all ECF recipients.

/s/ Thomas E. Buscemi
Thomas E. Buscemi
Assistant United States Attorney